

# Richmond County School System

## Title IX Complaint Procedures

### **PURPOSE**

The Richmond County School System (RCSS) is committed to maintaining an educational environment that is free from discrimination and harassment, where all members of the school community are treated with dignity and respect. Accordingly, RCSS does not discriminate on the basis of race, color, national origin, sex, disability, or age in its educational programs and activities and provides equitable access to all educational programs, activities, sports and facilities.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. RCSS prohibits discrimination based on sex, including sexual harassment. Students/parents and employees are entitled to express concern or dissatisfaction regarding discrimination or harassment.

The following person has been designated to handle inquiries regarding RCSS policies and procedures prohibiting discrimination and harassment on the basis of sex and can be reached by writing or calling:

**System Title IX Coordinator**  
**Dr. Aronica Gloster**  
**Department of Student Services**  
**864 Broad Street**  
**Augusta, GA 30901**  
**(706)826-1000 x 5501**  
[glostar@boe.richmond.k12.ga.us](mailto:glostar@boe.richmond.k12.ga.us)

The School System's **Title IX Discrimination Complaint Form** may be found on the School System's website on its Title IX page. [\[Click here\]](#)

The following procedures outline the School System's response to complaints under Title IX, including sex discrimination and sexual harassment.

### **DEFINITIONS**

**“Actual Knowledge”** means notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the School System.

**“Administrator”** means the principal of a school with respect to teachers and other certificated personnel assigned to that school. With respect to central office personnel, the Superintendent, or his designee, shall be the “Administrator.” In any case not covered by this paragraph, the “Administrator” should be some supervisory certificated person designated by the Board or in the absence thereof, by the Superintendent.

**“Administrative Leave”** The School System may place a non-student employee respondent on administrative leave during the pendency of the process for a Formal Complaint.

**“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, or on whose behalf the Title IX Coordinator has filed a formal complaint.

**“Disciplinary Action”** Students found to be responsible for sexual harassment may be disciplined in accordance with the Code of Student Conduct and Discipline and based on the severity of circumstances. Such disciplinary actions include, but are not limited to: student counseling, family counseling, specialized training, referral to outside agencies, detention, in-school suspension, out-of-school suspension, including long-term suspension, revocation of out-of-zone school assignments or exceptions, and expulsion. For employees, disciplinary actions may include, but are not limited to: conference, letter of direction, reassignment, letter of reprimand, suspension or termination.

**“Education Program or Activity”** includes locations, events or circumstances over which the School System exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

**“Emergency Removal”** The School System may remove a respondent from its education program or activity on an emergency basis, provided the System undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

**“Formal Complaint”** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the System investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the System with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by the recipient (Richmond County School System.) A complainant that completes the Title IX Discrimination Complaint Form is considered to have filed a formal complaint.

**“Recipient”** means the Richmond County School System as an agency that receives federal funds for Education.

**“Remedy” or “Remedial Measures”** means such measures must be designed to restore or preserve equal access to the School System’s education program or activity. Such remedies may include services for supportive measures, as defined below. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

**“Respondent”** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**“Retaliation”** means intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing.

**“Sexual Discrimination”** means the unfair or unequal treatment of a person or a group based on sex or gender. Sex-based discrimination can occur when a person is treated differently, or denied access to programs, services or activities based on sex or gender. Sexual harassment is considered a form of sex/gender-based discrimination.

**“Sexual Harassment”** means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the School System conditioning the provision of an aid, benefit, or service of the System on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a System education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

**“Supportive measures”** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Examples include, but are not limited to: Counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The System must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the System’s

ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may be implemented even if a Formal Complaint is not filed.

“**Title IX**” means the Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

“**Title IX Coordinator**” means the person responsible for coordinating the System’s efforts to comply with and carry out the System’s responsibilities under Title IX and its regulations to stop, prevent, and remedy sex/gender based discrimination, harassment and sexual misconduct. The System has designated a System Title IX Coordinator, Deputy Title IX Coordinators (Human Resources, Athletics) and School Title IX Coordinators. The System Title IX Coordinator works with schools to receive reports/complaints, investigate incidents, provide interim and support measures, and long-term remedies as needed.

***SCHOOL SYSTEM’S GENERAL RESPONSE TO SEXUAL HARASSMENT***

- The System will respond when it has actual knowledge of sexual harassment in one of its education programs or activities against a person in the United States. The System must respond promptly in a manner that is not deliberately indifferent. The System would only be deliberately indifferent if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- The System will treat complainants and respondents equally when implementing supportive measures and Formal Complaint Procedures.

***PROCEDURES FOR COMPLAINT RESOLUTION***

***I. STEP I: LOCAL SCHOOL (A) REPORTING, (B) INVESTIGATIONS, AND (C) RESOLUTION OF A COMPLAINT***

**A. REPORTING/MAKING A COMPLAINT**

If a student/parent has a complaint of discrimination or unfair treatment, he/she should report concerns to the school administrator or to the local school's Title IX Coordinator in person, by telephone, or in writing of the incident(s) giving rise to the complaint. The name and contact information for the Title IX Coordinator will be made available to parties desiring to make a report or complaint. For the purposes of Title IX, all System employees are also considered “officials with authority” who can accept a report and have the responsibility of

reporting such complaints to the School Title IX Coordinator within 24 hours. This report shall be made regardless of whether the victim files a formal complaint.

If the complaint involves the School Title IX Coordinator, the complaint should be reported to the administrator or System Title IX Coordinator. A report of sexual harassment involving an employee received by an administrator or School Title IX Coordinator also must immediately be reported to the System Title IX Coordinator. Employee allegations of sex discrimination, including sexual harassment, will be also be reported to the Deputy Title IX Coordinator in the Human Resources Department. Complaints of sex discrimination in athletics will also be reported to the Deputy Title IX Coordinator in Athletics.

Complainants may choose to make reports directly to the System Title IX Coordinator or Deputy Title IX Coordinators in Human Resources and Athletics. For the purposes of this procedure, when reports are made directly to the System or Deputy Title IX Coordinators, the phrase “School Title IX Coordinator” should be substituted with “System/Deputy Title IX Coordinator.”

Written notification of all complaints alleging sex-based discrimination will be sent to the System Title IX Coordinator. Additionally, any subsequent incidents of sexual harassment occurring after the initial complaint, or incidence of such gravity that results in out-of-school suspension or referral to a disciplinary panel, must be immediately reported to the System Title IX Coordinator.

**Written Formal Complaint:** For allegations of sex discrimination, including sexual harassment, the complainant will be asked to complete the “*Title IX Discrimination Complaint Form.*” This form can be printed or completed available through an online portal found on the School System’s website page regarding Title IX.

The Richmond County School System will respond promptly in a manner that is not deliberately indifferent to actual knowledge of sexual harassment in its education programs or activities against a person in the United States. Each school has designated a Title IX Coordinator who is the individual responsible for handling complaints of discrimination. Working with the administrator, this person is responsible for receiving and reviewing complaints to determine if they are within the jurisdiction of Title IX regulations. Every written complaint of discrimination or harassment will be reviewed and appropriately addressed.

**Filing of Complaints by Title IX Coordinator:** Where deemed necessary, complaints can be initiated by the School Title IX Coordinator. In such cases, the Title IX Coordinator is not a complainant or otherwise a party and must otherwise comply with their regulatory duties.

**Supportive Measures:** Upon receipt of a formal complaint, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures as defined. Complainants and respondents will be treated equitably in the offering of supportive measures. The supportive measures offered will be documented by the Title IX Coordinator. A listing of

example supportive measures is found in the definitions listed herein.

**Dismissal of Complaints:** When a School Title IX Coordinator receives a complaint, it will be reviewed to determine whether or not it is under the jurisdiction of Title IX regulations. Complaints will be dismissed if: (1) the conduct alleged in the formal complaint would not constitute sexual harassment as defined in § 106.30 even if proved, and/or; (2) the conduct did not occur in the System’s education program or activity, or (3) the conduct did not occur against a person in the United States, or (4) at the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the System.

Other circumstances in which a complaint might be dismissed are when, during the investigation or hearing: (1) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; and/or (2) the respondent is no longer enrolled or employed by the System; and/or (3) specific circumstances prevent the System from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a required or permitted dismissal, a written notice of the dismissal and reason(s) therefore will be sent simultaneously to the parties. Documentation of the dismissal will be retained by the Title IX Coordinator and a copy sent to the System Title IX Coordinator.

A dismissed complaint may be reviewed under another provision of the Code of Student Conduct and Discipline or other applicable resolution procedure.

**Informal Resolution:** After it is determined by the School Title IX Coordinator that a complaint meets Title IX jurisdictional guidelines, parties will be notified of an option to participate in an Informal Resolution. Informal Resolution, which does not involve a full investigation and adjudication, may be offered at any time prior to reaching a determination regarding responsibility. Participation in Informal Resolution is strictly by voluntary, written consent and at any time prior to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the grievance process with respect to the formal complaint. The School Title IX Coordinator coordinates the implementation of the Informal Resolution process by a trained facilitator.

The System cannot offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**B. FORMAL INVESTIGATIONS**

If a complainant requests formal investigation and/or informal resolution is not desired or applicable, the School Title IX Coordinator will submit a request to the System Title IX Coordinator to initiate a Formal Investigation. An investigation will be conducted by a trained investigator that includes evidence reviews and interviews with witnesses. The complainant and respondent will be asked to provide names of persons who can verify important aspects of the complaint/ allegation. Persons viewed as likely to contribute relevant

information to the investigation will also be interviewed. Information from the investigation is kept confidential except to the extent that limited disclosure may be necessary in order to conduct a full and fair investigation, allow the alleged to respond, take remedial action, or answer a governmental or court inquiry.

**Review of Evidence and Investigative Report:** Prior to completion of the investigative report, each party and the party’s advisor, if any, will be provided all evidence obtained that is directly related to the complaint, to review in an electronic format or a hard copy, including the evidence upon which the System does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source. Parties will have 10 calendar days to submit a meaningful written response, which the investigator will consider prior to completion of the investigative report.

Upon finalization of the investigative report and at least 10 days prior to determination, each party and the party’s advisor will be provided an electronic or hard copy of the report for their review and written response. Parties will have 10 calendar days to submit a meaningful written response.

**Advisors:** All parties may have an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may inspect and review evidence as well as participate in any related meetings in which the party is involved.

### **C. RESOLUTION OF COMPLAINT/WRITTEN DETERMINATION**

Upon completion of the investigation, a trained decision-maker shall review the investigative report and, based on the standard of evidence (i.e., preponderance of evidence) shall make a determination regarding alleged violations of Title IX. The decision-maker(s) shall not be the same person(s) as the Title IX Coordinator or the investigator(s). Prior to a final determination, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. A written determination shall be provided to the parties simultaneously.

The written determination shall include (1) identification of the allegations potentially constituting sexual harassment; (2) A description of the procedural steps taken from the receipt of the formal complaint through the determination, (3) Findings of fact supporting the determination (4) Conclusions regarding the application of the System’s Code of Conduct to the facts (5) A statement of, and rationale for, the result as to each allegation, including: any disciplinary sanctions the System imposes on the respondent; (6) and whether remedies designed to restore or preserve equal access to the System’s education program or activity will be provided by the System to the complainant. The Title IX Coordinator is responsible for effective implementation of any remedies. The determination regarding responsibility becomes final

either on the date that the System provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

**Right to Appeal:** All parties will be provided information regarding their right to appeal from a determination regarding responsibility, and from a System’s dismissal of a formal complaint or any allegations therein, on any of the following bases: (1) Procedural irregularity that affected the outcome of the matter; (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (3) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

## ***II. STEP II: APPEALS***

**Right to Appeal:** If after receiving the determination, either party is still not satisfied with the determination, an appeal may be submitted. The appeal must be in writing, giving specific reasons for reconsideration and stating precisely the reasons for dissatisfaction with the determination, and shall be limited to the matter under review. Such written appeals should be made within twenty (20) days of receipt of the determination at the previous level. All parties will be notified in writing when an appeal is filed, and appeal procedures will be implemented equally for both parties.

### **Bases for Appeal: Any appeal must be based on:**

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and
4. The disciplinary sanction was excessive or there is an inherent disproportion between the offense and the disciplinary action.

### **Appealing Student Disciplinary Sanctions:**

1. Any student that receives discipline sanctions under the Code of Student Conduct and Discipline in response to a Formal Complaint may appeal the discipline sanctions to the Local Board of Education as provided by O.C.G.A. 20-2-754(c).
2. Appeals to the Local Board of Education regarding the discipline imposed must be made within twenty (20) days from the date the System’s disciplinary tribunal panel renders a written decision on the appeal.



3. Any discipline sanctions imposed will remain in place during the appeal process but may be suspended by the Superintendent pending the outcome of the appeal.

**Decision on Appeal:** Appeals will be reviewed by a trained appellate Decision-maker who is the Superintendent or other person appointed by the Superintendent. The appellate decision-maker shall not be the same as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. Both parties will be provided a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. A written decision describing the result of the appeal the rationale for the result will be provided in writing simultaneously to both parties.

### ***III. TIMELY RESPONSE, RETALIATION, SYSTEM REPORTING AND RECORDKEEPING***

#### **Timely Response**

The System will make efforts to ensure the Complaint process is completed in a reasonable time period. Once a complaint has been referred to the System Title IX Coordinator, it may take approximately thirty to forty-five working days for the complaint to be fully investigated and processed. Upon completion, all parties will receive a written letter with results of the investigation.

Time limits may be extended upon mutual consent of both parties, for good cause, or due to extenuating circumstances.

#### **Retaliation Prohibited**

On all levels in the complaint process, reprisal or retaliation against a person or persons filing a discrimination or sexual harassment complaint or any person(s) participating in the investigation or resolution of the complaint is prohibited. Any employee or student who retaliates against such individual(s) as a result of participating in the complaint process shall be subject to disciplinary action.

#### **System Reporting**

The System Title IX Coordinator is designated to receive all reports or complaints of sexual harassment from individuals or complaints from individuals who believe they have been discriminated against or harassed, or who are not satisfied with the decision of the appeal. The System compiles sexual assault and harassment incident data on an annual basis and reports to the Civil Rights Data Collection (CRDC), as applicable or as required. Schools must collect and report sexual harassment and assault data to the CRDC every two years.

#### **Title IX Training Requirements**

The System will provide all individuals designated as the System's Title IX Coordinator, investigator(s), decision-maker, appellate review officer and any other person designated to facilitate an informal resolution process with training in compliance with 34 C.F.R. § 106.45(b)(1)(iii).

### **Recordkeeping Requirements**

Title IX Coordinators must maintain for a period of seven years from the date of the record's creation, records of:

1. Each sexual harassment investigation including any determination regarding responsibility;
2. Any audio or audiovisual recording or transcript required during the resolution process;
3. Any supportive measures implemented after receipt of complaint;
4. Any disciplinary sanctions imposed on the respondent;
5. Any remedies provided to the complainant designed to restore or preserve equal access to the System's education program or activity;
6. Any appeal and the result therefrom; and
7. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

### **Discretionary Authority**

Nothing herein is designed to create rights where not otherwise provided by law. This policy or procedure is not intended to limit the discretionary authority of, or to create any liability for, or create a cause of action against, the Board of Education, or its officers, employees, volunteers or other designated individuals for any act or omission to act related to this policy or procedure. Georgia's Constitution provides that School System employees are immune from liability when they are performing discretionary functions and they act without malice or intent to cause injury.